

REMARKS

Claims 1-17 are pending in the above-referenced application. Claims 8-13 are withdrawn by agreement between the Examiner and applicant's representative

Claims 7 is rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'the mail client' lacked antecedent basis. Claim 7 has a typographical error in which claim 7 depended from claim 5 and should have depended from claim 6. Claim 6 uses the term 'mail client' and therefore the amended claim 7 now has antecedent basis. Withdrawal of this rejection is requested.

Claims 1-3, 5, 14 and 15 are rejected under 35 USC § 102(e) as being anticipated by Feinleib (US Patent No. 6,272,532). Applicant respectfully disagrees.

Feinleib does not disclose a method for configuring an appliance across a network, where the configuration instructions are received in command format via an e-mail. Referring to Feinleib, column 4, lines 10-25, all information used in controlling the computer 18 must be parsed by parser 22, which takes the commands out of the e-mail messages. As amended, Applicant's claim 1 requires that the configuration instructions are transmitted by e-mail but are in command format. As defined in Applicant's specification, command formatted information does not need to be parsed. See Applicant's specification, page 2, lines 24-25, and page 4, lines 6-7, among other places.

Therefore, Applicant submits that claim 1 is patentably distinguishable over the prior art and request allowance of this claim.

With regard to claims 2 and 3, Feinleib does not show that the mail server of either IMAP or SMTP configuration, receives configuration instructions for the device by e-mail, where the configuration instructions are in command format. Applicant submits that claims 2 and 3 are patentably distinguishable over the prior art and request allowance of these claims.

With regard to claim 5, Feinleib does not show connecting to a network to receive e-mail, in which the e-mail contains configuration instructions in command format, as is required by claim 5. Applicant therefore submits that claim 5 is patentably distinguishable over the prior art and request allowance of this claim.

With regard to claim 14, Feinleib does not show, teach nor suggest that the e-mail include configuration instructions that are in command format, as discussed with regard to claim 1. Applicant submits that claim 14 is patentably distinguishable over the prior art and request allowance of this claim.

With regard to claim 15, Feinleib does not show, teach nor suggest that that network appliance receive configuration instructions in command format via e-mail. The reference cited by the Examiner is system 10, within which is computer 18, having parser 22. Therefore, Feinleib does not suggest a system in which the parser is optional, as discussed in Applicant's specification, the parser being made optional by configuration instructions being sent in command format. Applicant therefore submits that claim 15 is patentably distinguishable over the prior art and request allowance of this claim.

Claims 4, 6, 7, 16 and 17 are rejected under 35 USC § 103(a) as being unpatentable over Feinleib. The Examiner states that "...as many commercial devices are required to always be connected to the network in order to provide some type of requested service..." Applicant's invention is not necessarily confined to commercial devices, and connecting a consumer electronic device (such as a Web cam or music player) to the network continuously should be considered novel. Further, having a device connected to the network all the time that can receive e-mail containing configuration instructions in command format is not shown, taught nor suggested by Feinleib. Applicant therefore submits that claim 4 is patentably distinguishable over the prior art and request allowance of this claim.

With regard to claims 6 and 7, Applicant submits that the device operating as a mail client, and where the mail client communicates with a mail server, where the e-mail being transmitted to the mail client contains instructions in command format is not shown, taught nor suggested by Feinleib. Applicant submits that claims 6 and 7 are patentably distinguishable over the prior art and request allowance of these claims.

With regard to claims 16 and 17, the Examiner seems to be contradictory in his remarks. On the one hand, the Examiner seems to think that the device is a commercial device for which it would be obvious to remain connected to the network. On the other hand, the Examiner finds it obvious for the device to be a consumer (non-commercial) device. There is no suggestion in Feinleib that it can be applied to any other type of device than those listed in column 5, lines 28-36. Further, there is no suggestion in Feinleib that the configuration instructions are in command format for these devices. Applicant therefore submits that claims 16 and 17 are patentably distinguishable over the prior art and request allowance of these claims.

The prior art made of record and not relied upon has been reviewed and is not considered pertinent to applicant's disclosure: Shaffer, et al. (US Patent No. 6,434,222); Smith et al. (US Patent No. 6,282,564); Brilla et al. (US Patent No. 6,389,276); Yeager (US Patent No. 6,167,402); and Davis et al. (US Patent No. 5,937,160).

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, PC

Julie L. Reed

Julie L. Reed

Registration No. 35,349

Marger Johnson & McCollom, P.C.
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613